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TO

Authorise the application of Funds of Municipal Corporations and other Governing Bodies of Towns in Ireland in certain Cases. A.D. 1888.

**B**E it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

5 1. This Act may be cited for all purposes as the Borough Funds (Ireland) Act, 1888. Short title.

2. The term "governing body" in this Act shall mean the council of any municipal borough, the urban sanitary authority, town or township commissioners, or other body acting under  
 10 any general or local Act of Parliament for the management, improvement, cleansing, paving, lighting, and otherwise governing places or districts; the term "district" shall mean the borough, place, township, or district within which the governing body may for the time being have jurisdiction; the term "Local Government  
 15 Board" shall mean the Local Government Board for Ireland; and the term "Chief Secretary" shall mean the Chief Secretary for the time being to the Lord Lieutenant of Ireland. Interpretation of terms.

3. When in the judgment of a governing body in any district it is expedient for such governing body to promote or oppose any  
 20 local and personal Bill or Bills in Parliament, or to prosecute or defend any legal proceedings necessary for the promotion or protection of the interests of the inhabitants of the district, it shall be lawful for such governing body to apply the borough fund, borough rate, or other the public funds or rates under the control of such  
 25 governing body, to the payment of the costs and expenses attending the same; and when there are several funds or rates under the control of the governing body, such governing body shall determine  
 [Bill 371.] Costs of promoting or opposing parliamentary and other proceedings for benefit of inhabitants to be charged on borough and local funds, except in certain cases.

A.D. 1868.

out of which fund or funds, rate or rates, such expense shall be payable, and in what proportions: Provided that nothing contained in this Act shall authorise any governing body to promote any Bill in Parliament for the establishment of any gas or water works to compete with any existing gas or water company established 5 under any Act of Parliament: Provided also that no powers contained in this section shall apply in any case where the promotion of or opposition to a Bill by a governing body has been decided by a Committee of either House of Parliament to be unreasonable or vexatious.

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No payment to member of governing body to be so charged.

4. No payment to any member of a governing body for acting as counsel or agent in promoting or opposing any such Bill shall be charged as aforesaid.

Costs of promoting or opposing Bills to require sanction of special meetings.

5. No expense shall be charged as aforesaid unless incurred in pursuance of a resolution of an absolute majority of the whole 15 number of the governing body at a meeting of the governing body, after ten clear days notice by public advertisement of such meeting and of the purpose thereof in some newspaper published or circulating in the district; such notice to be in addition to the ordinary notices required for summoning such meeting: nor unless such 20 resolution shall have been published twice in some newspaper or newspapers circulating in the district, and shall, if the matters in question are within the jurisdiction of the Local Government Board, have been submitted to that Board, and, if otherwise, have been submitted to the Chief Secretary; and unless the Local Government 25 Board or the Chief Secretary, as the case may be, shall not within a period of one month, or such extended time as the Local Government Board or the Chief Secretary, as the case may be, shall declare to be necessary, have disapproved of such resolution; and in case of the promotion of a Bill in Parliament no further expense shall be 30 incurred or charged as aforesaid after the deposit of the Bill, unless the propriety of such promotion shall be confirmed by such absolute majority at a further special meeting to be held in pursuance of a similar notice not less than fourteen days after the deposit of the Bill in Parliament. In submitting a resolution to the Local 35 Government Board or the Chief Secretary, the governing body shall supply all such information concerning the matters in question as may appear necessary to the Local Government Board or the Chief Secretary, as the case may be.

Vote of the electors.

6. No expense of promoting or opposing any Bill in Parliament 40 shall be charged as aforesaid, unless such promotion or opposition shall have been approved by a special resolution of the persons

qualified to vote at an election of the members of the governing body of such district, to be passed at a meeting summoned as herein-after mentioned.

A meeting for the purpose of passing any special resolution for the purposes of this Act shall be summoned by the mayor or chairman for the time being of the governing body of the district, and a month's previous notice of the summoning of such meeting, stating the time and place where the same is to be held, shall be given in some newspaper or newspapers circulating in the district, and by causing notices of the same to be posted in the places in which notices of such governing body are usually posted.

The mayor or chairman of the governing body of such district, or in case of his absence some one of the governing body of such district appointed with the consent of the majority of the persons present at such meeting, shall be chairman of such meeting. Such chairman shall propose to the meeting the resolution for the application of the funds of the district in promoting or opposing the Bill in question, and the meeting shall decide by a majority of the persons qualified to vote at the election of members of the governing body of such district, and voting for or against such application: Provided always, that if any person qualified to vote as aforesaid shall demand that the application of the funds of the district in promoting or opposing the Bill in question shall be decided by a poll, such poll shall be taken in the same way and of the persons qualified as aforesaid, and subject to the same conditions in all respects, so far as may be, as are prescribed by the special Act in force in such district with respect to the election of members of the governing body of such district.

Where a special resolution is passed by any such meeting, and no poll is demanded, or where a poll is demanded and the demand is withdrawn at the instance of the person making the same, or where the poll has been taken and the application of the funds of the district for the purpose proposed has been thereby decided, the chairman shall make and sign a declaration to that effect, and shall transmit the same to the Local Government Board in Dublin.

7. All costs, charges, and expenses incurred under the provisions of this Act shall, before the same become chargeable, be examined and allowed by an auditor of the Local Government Board.

Costs to be  
examined.

8. The Local Government Board or Chief Secretary shall have power to direct a local inquiry to be held upon any application under this Act, by any person or persons whom they may respectively nominate for the purpose, and to require security to be given

Power to  
direct local  
inquiry.

A.D. 1888. by the governing body for the costs and expenses of such local inquiry.

Saving  
clause.

9. Nothing in this Act shall extend or be construed to alter or affect any special provision which is or shall be contained in any other Act for the payment of the costs, charges, and expenses intended to be provided for by this Act, or to take away or diminish any rights or powers now possessed or enjoyed by any governing body, or which are or shall be vested in or exercisable by the inhabitants of any district under general or special Act.

Towns Im-  
provement  
Clauses Act,  
1847, c. 142  
repealed.

10. The one hundred and forty-second section of the Towns Improvement Clauses Act, 1847, is hereby repealed so far as the same is inconsistent with the provisions of this Act.

Act not to  
extend to  
Bills, if object  
attainable by  
Provisional  
Order.

11. The provisions of this Act shall not extend to applications for any Bill in Parliament for any object which would, for the time being, be attainable by Provisional Order.

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**Municipal Funds  
(Ireland).**

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To authorize the application of Funds of Municipal Corporations and other Governing Bodies of Towns in Ireland in certain Cases.

(Prepared and brought in by  
Mr. Jackson, Mr. Arthur Balfour, and  
Mr. Chamberlain of the Executive.)

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